

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:99CV268

STEVE E. ASHE, and wife DEBORAH)
ANN SCOTT ASHE; FRANK H.)
BARTON; HOMER R. BLYTHE, and)
wife ANN ENGLISH BLYTHE;)
BEN BOLT, and wife FLORA MAE)
McCALL BOLT; SHIRLEY EUGENE)
BRACKEN, and wife ANNIE JO)
SHERRIL BRACKEN; FRED C.)
BRYSON, and wife MARY B.)
BRYSON; ALLEN E. CHAPMAN, and)
wife SANDRA FISHER CHAPMAN;)
JOHN C. CHAPMAN, and wife IVA)
LEE ANDERS CHAPMAN; DAVID H.)
CORN, and wife PHYLLIS BOWEN)
CORN; ROBERT H. CROWE, and wife)
MARIAN CROWE; RHONDA)
DEBRUHL, Administrator of the)
Estate of Fred Davis, Deceased;)
DANNY L. DUCKWORTH; JOHN D.)
EZELL, and wife AILEEN RODGERS)
EZELL; EDNA MAE FEWELL;)
SALLY R. FLETCHER,)
Individually and as Executrix of the)
Estate of Carroll D. Fletcher,)
Deceased; WILLIAM M. GADDY, SR.,)
and wife MYRTLE N. GADDY;)
CLYDE C. GALLOWAY, and wife)
BELLE T. GALLOWAY; JAMES C.)
GOFORTH, and wife THELMA W.)
GOFORTH; CLAUDE S. GOODSON,)
and wife DARLENE GOODSON;)
ROBERT P. GRANT, and wife DORIS)
PATTERSON GRANT; LARRY W.)
GREGORY; WILLIAM H. HALL, JR.,)
and wife WANDA D. HALL; WILLIE)
E. HARRON; THOMAS B. HEATON,)
and wife ELLA MAE P. HEATON;)
RICHARD L. HISSA, and wife)
PRISCILLA B. HISSA; MARILYN S.)

JARRETT, Individually and as)
Executrix of the Estate of Douglas L.)
Jarrett, Deceased; MAGGIE C.)
KRIDER, Individually and as Personal)
Representative of the Estate of)
Thomas Krider, Deceased; JAMES T.)
MAHONEY, JR., and wife BRENDA)
FAYE J. MAHONEY; ERNEST R.)
MANEY, and wife BARBARA GREEN)
MANEY; ARTHUR A. McCALL, and)
wife EDITH ENGLISH McCALL;)
BENJAMIN F. McCALL, and wife)
DONNIE VEE McCALL; FRANKLIN L.)
McCALL, and wife BETTY LAMBERT)
McCALL; JAMES D. McCALL;)
RUFUS S. McCALL, and wife)
MARGARET PAULINE R. McCALL;)
SHERRELL P. McCRARY, and wife)
VELMA EARLENE McCRARY;)
WILLIAM P. McKELVEY; BETTY N.)
MICHAEL, Individually and as)
Executrix of the Estate of John A.)
Michael, Deceased; JIMMY G.)
MILLER, and wife LINDA GALLOWAY)
MILLER; BENNY L. MOONEY, and)
wife MILDRED RUTH H. MOONEY;)
WILLIAM L. MOONEY, SR., and wife)
BILLIE FARMER MOONEY;)
PATRICIA M. CROUCH, as Executrix)
of the Estate of Tarlie E. Moore,)
Deceased, and BEULAH C. MOORE;)
PEGGY LOFLIN, as Administrator of)
the Estate of James H. Morris,)
Deceased; GEORGE H. NEWMAN,)
and wife VIRGINIA H. NEWMAN;)
CARROLL F. OWEN, and wife)
CYNTHIA SPIVEY OWEN; MARY M.)
OWEN; PHILLIP E. OWENS, and wife)
DOROTHY LORENA W. OWENS;)
ROSCOE H. PONDER, and wife)
GRACE JULIE R. PONDER; JOE B.)
ROGERS, and wife JUNE ROGERS;)
REMUS L. ROPER, and wife SHIRLEY)
ROPER; PAUL D. SEAGLE, and wife)
LINDA M. SEAGLE; DOUGLAS G.)

SENTELLE, and wife CINDY)
SENTELLE; CHARLES N. SHOOK, as)
Executor of the Estate of Vance F.)
Shook, Deceased; BRONITH SHOOK,)
as Administrator of the Estate of)
Vance Randall Shook; ETHEL IRENE)
J. SITTON, Individually and as)
Executrix of the Estate of Ed J.)
Sitton, Deceased; NETTIE L. SITTON;)
BRUCE D. SMITH, and wife DELORES)
H. SMITH; ROBERT A. SMITH, and)
wife MARGORIE L. SMITH;)
BRADLEY H. SNIPES, and wife)
ELEANOR E. SNIPES; FRANK A.)
STEVENS, and wife RUBY IRENE)
STEVENS; RUTH G. SUMMEY,)
Individually and as Executrix of the)
Estate of Clyde C. Summey,)
Deceased; JUANITA W. WATSON;)
CHARLES E. WHITEMIRE, and wife)
BOBBIE JEAN WHITEMIRE;)
ALBERT W. WILLIAMS, and wife)
CAROLYN WILLIAMS; and THOMAS)
J. WOODS, and wife ALICIA JEAN)
WOODS,)
)
Plaintiffs,)
)
Vs.)
)
A. W. CHESTERTON, INC.;)
CROWN CORK & SEAL COMPANY,)
INC.; GARLOCK, INC.;)
GEORGIA PACIFIC CORPORATION;)
METROPOLITAN LIFE INSURANCE)
CORPORATION; MINNESOTA)
MINING AND MANUFACTURING)
COMPANY, INC.; NATIONAL)
SERVICE INDUSTRIES, INC.;)
OWENS-ILLINOIS, INCORPORATED;)
RAPID AMERICAN CORPORATION;)
D. B. RILEY, INC.; CBS)
CORPORATION; ALBANY)

INTERNATIONAL; MT. VERNON)
MILLS, INC.; and ASTEN, INC.,)
)
)
Defendants.)
)

ORDER OF DISMISSAL OF
DEFENDANT ALBANY INTERNATIONAL CORPORATION

THIS MATTER is before the Court on the joint motion of the Plaintiffs and the Defendant Albany International Corporation for dismissal, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, of Plaintiffs' claims against Albany International Corporation. For good cause shown, including the consent of such parties, the Court finds that such motion should be allowed.

IT IS, THEREFORE, ORDERED that the joint motion to dismiss is **ALLOWED**, and the claims of Plaintiffs Ruth G. Summey, individually and as Executor of the Estate of Clyde C. Summey, deceased; Rhonda DeBruhl, as Administrator of the Estate of Fred Davis, deceased; and Robert A. Smith and wife, Marjorie L. Smith, against Defendant Albany International Corporation are hereby **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the claims of Plaintiffs Steve E. Ashe and wife, Deborah Ann Scott Ashe; Frank H. Barton; Homer R. Blythe and wife, Ann E. Blythe; Ben Bolt and wife, Flora Mae McCall Bolt; Shirley Eugene Bracken and wife, Annie Jo Sherril Bracken; Fred C. Bryson and wife, Mary B. Bryson; Allen E. Chapman and wife, Sandra F. Chapman; John C. Chapman and wife, Iva Lee Anders Chapman; David H. Corn and wife, Phyllis Bowen Corn; Robert H. Crowe and wife, Marian Crowe; Danny L. Duckworth; John D. Ezell and wife, Aileen Rodgers Ezell; Edna Mae Fewell; Sally R. Fletcher, Individually and as Executrix of the

Estate of Carroll Fletcher, deceased; William M. Gaddy, Sr. and wife, Myrtle N. Gaddy; Clyde C. Galloway and wife, Belle T. Galloway; James C. Goforth and wife, Thelma W. Goforth; Claude S. Goodson and wife, Darlene Goodson; Robert P. Grant and wife, Doris P. Grant; Larry W. Gregory; William H. Hall, Jr. and wife, Wanda D. Hall; Willie E. Harron; Thomas B. Heaton and wife, Ella Mae P. Heaton; Richard L. Hissa and wife, Priscilla B. Hissa; Marilyn S. Jarrett, Individually and as Executrix of the Estate of Douglas L. Jarrett, deceased; Maggie C. Krider, Individually and as Personal Representative of the Estate of Thomas Krider, deceased; James T. Mahoney, Jr. and wife, Brenda Faye Mahoney; Ernest R. Maney and wife, Barbara G. Maney; Arthur A. McCall and wife, Edith E. McCall; Benjamin F. McCall and wife, Donnie Vee McCall; Franklin L. McCall and wife, Betty L. McCall; James D. McCall; Rufus S. McCall and wife, Margaret P. R. McCall; Sherrell P. McCrary and wife, Velma Earlene McCrary; William P. McKelvey; Betty N. Michael, Individually and as Executrix of the Estate of John A. Michael, deceased; Jimmy G. Miller and wife, Linda Galloway Miller; Benny L. Mooney and wife, Mildred Ruth H. Mooney; William L. Mooney, Sr. and wife, Billie Farmer Mooney; Patricia M. Crouch, as Executor of the Estate of Tarlie E. Moore, deceased, and Beulah C. Moore; Peggy Loflin, as Administrator of the Estate of James H. Morris, deceased; George H. Newman and wife, Virginia H. Newman; Carroll F. Owen and wife, Cynthia Spivey Owen; Mary M. Owen; Phillip E. Owens and wife, Dorothy Lorena W. Owens; Roscoe H. Ponder and wife, Grace Julie R. Ponder; Joe B. Rogers and wife, June Rogers; Remus L. Roper and wife, Shirley Roper; Paul D. Seagle and wife, Linda M. Seagle; Douglas G. Sentelle and wife, Cindy Sentelle; Charles N. Shook, as Executor of the Estate of Vance F. Shook, deceased; Bronith Shook, as Executor of the Estate of Vance Randall Shook, deceased; Ethel Irene J. Sitton, Individually and as Executrix of the Estate of Ed J. Sitton, deceased; Nettie L. Sitton; Bruce D. Smith and wife, Delores H.

Smith; Bradley H. Snipes and wife, Eleanor E. Snipes; Frank A. Stevens and wife, Ruby Irene Stevens; Juanita W. Watson; Charles E. Whitemire and wife, Bobbie Jean Whitemire; Albert W. Williams and wife, Carolyn Williams; and Thomas J. Woods and wife, Alicia Jean Woods, against Defendant Albany International Corporation are hereby **DISMISSED WITHOUT PREJUDICE.**

Signed: October 23, 2007



Lacy H. Thornburg
United States District Judge



CONSENTED TO:

s/ Janet Ward Black
Janet Ward Black, N.C. Bar #12869
Donaldson & Black
208 West Wendover Avenue
Greensboro, NC 27401
(336) 273-3812
jwblack@wardblacklaw.com

s/Rodney Dean
Rodney Dean
Dean & Gibson, PLLC
301 S. McDowell Street, Suite 900
Charlotte, NC 28204
(704) 372-2700